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C O N F I D E N T I A L SECTION 01 OF 03 BAGHDAD 002969

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SUBJECT: THE ELECTION LAW THAT ALMOST WASN'T; KEEPING IT REAL -- AND ON TRACK -- AT THE COR

Classified By: Ambassador Christopher R. Hill, for reasons 1.4 b and d.

¶1. (C) SUMMARY: The Council of Representatives (COR) passed the Iraqi election law November 8 by a wide margin. After weeks of increasingly intense Embassy and UNAMI engagement, the final day witnessed dramatically more intense engagement, as the Ambassador met with Kurdish and Arab/Turkoman blocs at the COR to bring the two combative sides to closure on the contentious issue of Kirkuk's participation in the elections.

Emotions at the COR veered wildly from optimism to increasing pessimism and back again, with the two sides dug in over modalities of recognizing a side agreement on compensatory seats for the Arab/Turkoman of Kirkuk, outside the election law. The Ambassador met with the two sides and eventually managed a breakthrough with the Kirkuki Arabs and Turkomans, who first accepted his compromise proposal and then suddenly dropped entirely the obligation regarding compensatory seats. After a long day of ups and downs, mirroring the weeks that led up to the passage, the COR finally took decisive action in the evening and passed the law (details on the law reported septel.) END SUMMARY.

STARTING OUT WITH HUGS AND LAUGHS

¶2. (C) In the end, the Iraqi election law passed. (141 out of 190 voted for it; details of the law reported septel.) Getting there was neither pretty nor certain. In the morning of November 8, the situation at the COR seemed promising. Early in the morning, Speaker Samarra'i confidently predicted to the Ambassador "90 percent, 95 percent" chance of passage of the law. "Differences are minor and technical and will be solved very soon." ISCI/Badr bloc leader Hadi al-Ameri echoed Samarra'i's prediction, announcing his coalition would offer in a side letter the Kirkuki Arabs and Turkomans seats from their winnings. (Note: Da'wa later joined the offer.) Meanwhile, at the office of the Kurdish bloc office manager, poloffs sat drinking coffee and watching through the translucent glass walls as Kurdish bloc leaders Firiad Rwanduzi and Fuad Masoum conferred with Shia heavyweights such as Hadi al-Ameri and Jalal a-Saghir (INA/ISCI), as well as Deputy Speaker (SLA/independent) Khalid al-Attiyah and Legal Committee Chairman Baha al-Araji (INA/SADR). The hugs and laughs suggested all was on track. Rwanduzi confirmed to poloffs afterwards that the Shia and Sunnis were putting the "finishing touches" on the side agreement outside the election law, backed up by a Shia block commitment delivered by al-Ameri, that would give the Arabs and Turkomans of Kirkuk one compensatory seat each.

PESSIMISM SLINKS BACK IN

¶3. (C) By early afternoon optimism had evaporated. Stories circulated at the COR, confirmed by UNAMI representatives on the scene, that the final touches had gotten deeply smudged and that the negotiations were completely hung up over whether the side agreement would be written or just exist as a verbal commitment from the Shia bloc to come up with the

two compensatory seats for the Kirkukis. The pessimism deepened when poloffs spotted Speaker Ayad Samarra'i and an entourage of a dozen hurriedly leaving the COR, with aides confirming he was off to Qatar on a previously planned visit.

CALLING IN REINFORCEMENTS AS THINGS GO SIDEWAYS

¶4. (C) Enjoined not to call Pol M/C back to the COR unless things "turned really bad" poloffs felt it was time to place that call. Deputy Speaker Attiyah told Pol M/C, who arrived Othat call. Deputy Speaker Attiyah told Pol M/C, who arrived mid-afternoon, that Samarra'i had empowered him (Attiyah) to steer the election law through the COR in the Speaker's absence. Nevertheless, "We can still do it today, insha'allah," he offered. But the weakening optimism turned gloomier in the late afternoon as the two sides hardened their positions over whether the side agreement mentioning the promised compensatory seats would be voted on in the COR (as a resolution, but not as part of the law). The Ambassador, who arrived back at the COR shortly after Pol M/C, sat in the now Acting Speaker's office and had begun to engage on the law's status when Attiyah took an "urgent" call. Attiya's face noticeably tightened as he muttered to the other end "ghair muwafiqeen," (they don't agree.). Downcast UNAMI representatives confirmed to poloffs negotiations on the side agreement had derailed. With the afternoon fading, and with a declining hope that the law would be passed that day, the danger emerged that the cobbled together "side agreement compromise" that had moved things to the brink of success would unravel, as so many previous proposals had already done, under pressure from second

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thoughts and delay.

GETTING STIFFED BY THE KURDS

¶5. (C) Informed that the Kurds were refusing to allow the side agreement to be endorsed by the COR, the Ambassador went to discuss the matter with Kurdish bloc leaders Masoum and Rwanduzi in the overstuffed, oversized chairs in the Kurdish formal office at the COR. In a quiet, somewhat legalistic tone, Masoum confirmed the firmly held Kurdish position. "We have caucused the members of our bloc and they will not accept that this side agreement be put to a vote. We will walk out," insisted Masoum. The Ambassador urged the Kurds to reconsider, noted that such a vote would not be part of the election law, and added that the Kurdish bloc could abstain on that vote. Masoum would not budge. The Ambassador insisted that the election law had to be passed and that it would be extremely difficult for him to explain to the Vice President how a small disagreement over the modalities of recognizing the side agreement had derailed the election law. Masoum expostulated at length that while it was not visible to outsiders such as the Americans, elements of political leadership of the Kirkuki Arabs and Turkomans represented the re-emerging forces of Ba'athism and Saddamist tendencies; given Kurdish history, it would be impossible for the Kurds to budge on this issue. As had been the Embassy's experience throughout this process, negotiating with the intransigent Kurds obsessed with avoiding compromise over Kirkuk had proven fruitless.

MEETING WITH THE ARAB AND TURKOMAN KIRKUKIS

¶6. (C) Saying he'd be back, the Ambassador conferred briefly with Pol M/C, who suggested the Ambassador consider joining UNAMI as a witness to the side letter. They then left to look for the Kirkuki Arabs and Turkomans. They found them in a small, crowded office on the opposite side of the COR building. Sitting at a large wooden table so smudged with fingerprints and grime that they formed a cloudy white sheen,

the Ambassador, Pol M/C and emboffs were treated to cans of Iraqi grape soda. (In a testament to his courage, the Ambassador opened his can, took a big gulp of the stuff, and engaged the Iraqi interlocutors.) The eight Kirkuki Arab and Turkoman COR members spoke over each other to tell the Ambassador about all the compromises they had made and other valiant chronicles of their flexibility and good will in the negotiations on the election law. The Ambassador listened to the protestations and then redirected the attention by the task at hand. To move past the obstacle presented by the Kurdish side's refusal to accept the COR's endorsement of the side agreement, the Ambassador made clear that on behalf of the United State Government, he would be willing to sign the side agreement as "a witness," so that the Arabs and Turkomans could be confident that the agreement on the two compensatory seats would be kept. He underlined how important it was to get an election law and also made clear the United States strongly supported a consensus-based solution to Kirkuk and would be an active, impartial broker, ensuring there would not be winning or losing sides in Kirkuk.

PINKIE RINGS AND SHOUTING ALL AROUND

¶7. (C) Initially, the Arab/Turkoman side, led for the most part by Osama Najaifi and seconded by Omar Jibouri, refused such an arrangement, but eventually came around in view of the offer of support from the U.S. Ambassador. "Then I'm ready to sign it now," offered the Ambassador. A "Ready to sign it now," offered the Ambassador. A representative of the INA/Fadhilah bloc leader, Hassan al-Shimmary, who had helped broker the side agreement, explained that there actually was no letter but proceeded to produce a dog-eared, coffee-stained document for Pol M/C to review. It was a smudged photocopy with a few lines of text that looked like it had been reproduced decades rather than minutes ago, with handwritten notes in barely legible Arabic scrawled at the bottom in red ink. There was no reference to any Shia parties, only "the winning side." This was the infamous side agreement. As it was read aloud, arguments erupted among the Arab and Turkoman lawmakers as they word-smithed out loud and angrily declared (often waving their hands so their odd pinkie rings were nicely accentuated) that this or that phrase was "completely unacceptable." The Ambassador cast a few "are you kidding me?" glances at emboffs and urged Pol M/C and the UNAMI representative to help draft up a witness page that he could sign. An argument erupted between the Turkoman Shia and Turkoman Sunni representatives about which of their parties would get the Turkoman-designated compensatory seat. The Turkoman Shia eventually stormed out as other members of

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their group conferred quietly among themselves. The Ambassador instructed Pol M/C in the adjoining room to hurry up with the signature page before the captured group split up.

DROPPING ALL THEIR DEMANDS

¶8. (C) Suddenly Najaifi stood up and said to the Ambassador, "It's okay. We are satisfied. Forget the compensatory seats and the side agreement. We are ready to vote for the law. It is our gift to you." Stunned at the sudden change in Iraq's election law comic opera, emboffs exchanged "say what?" glances. The Ambassador confirmed with Najaifi that they were willing and ready to vote for the election law. As the participants began filing out of the room, Jibouri launched into a shouted discourse to Shimmary seeking his help with related problems of the Turkomans. "Never mind," the Ambassador said. "Just go vote, we'll do that later!" He turned to Emboffs: "Don't let any of these people out of your sight. I'll be back."

OFF TO THE VOTE

¶9. (C) The Ambassador hurried up the two flights of stairs and within minutes confirmed with Deputy Speaker Attiyah that the election law would indeed be put to a vote in the next hour. Shortly after 7:30 p.m., Attiya called the COR to order and presented each of the five amendments for a vote. All passed by a comfortable margin. The amendment on special needs voters drew the most heated debate on the floor. The Kirkuk amendment -- the issue that had held up the passage of the election law, the same issue over which lawmakers and diplomats had sparred with and among each other for weeks on end, the very issue that had threatened to derail plans for sovereign Iraq's first national election -- passed without so much as a cough.

HILL